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PROGRAM:

ALEXANDER KENDRICK

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THE BALTIMORE COURT CAPER

ALEXANDER KENDRICK: With a new caper practically every week, the CIA has become the producer of a popular spy series that rivals any of the sagas of spoof to be seen on television. After the great infiltration plot at Michigan State, the latest episode is the case of the Estonian emigres, which will surface again in a federal court in Baltimore tomorrow. Since it involves a matter of some importance, whether the courts can be made to serve as a cloak for CIA's daggers, it will probably end up in the Supreme Court, unless of course it disappears mysteriously on the way.

The case came to court in a slander suit brought by an Estonian emigre leader, Eric Heine against another, Yuri Raus. Heine asked for damages, charging that Raus had publicly called him a Soviet agent, thereby impugning his reputation as an anti-communist freedom fighter. What looked like a squabble between two rivals in the Estonian community became something more, when at the first court hearing the CIA sent five lawyers to Raus's aid -- publicly identified him as one of its agents, the first time that has happened -- and prevented him from answering questions as a witness, on the ground that he was carrying out CIA orders in calling Heine a Soviet agent, and therefore was privileged, and immune from suit.

The CIA has asked the court to dismiss the suit on security grounds, that to produce witnesses in support of Raus, against Heine would compromise its secrecy. This is what will be ruled on tomorrow. Meanwhile there has been some compromise of secrecy already. The CIA's general counsel ceased being anonymous by appearing in court, and a Washington detective hired as associate counsel for the unmasked CIA agent Raus, has been identified as a former investigator for Joe McCarthy, as well as the Teamsters Union some years ago, to spy on and presumably try to get something on three staff members of the Senate Rackets Subcommittee.

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Among the sensitive issues raised by the case is the CIA's right to carry out clandestine operations in this country, having been set up to obtain intelligence abroad.

Another issue is whether the immunity given Cabinet officers and Congressmen in the performance of their duty can properly be extended to an undercover agent employed by what has been called "the department of dirty tricks." And the third question -- if Heine is a Soviet agent, as the CIA says -- why hasn't he been arrested and charged? More on the Baltimore caper in a moment . . .

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The Senate Foreign Relations Committee today made the latest in a long list of congressional attempts to look under the CIA's cloak. It is concerned about the effect of the agency's secret operations on foreign relations. But the Baltimore court case tomorrow strikes much closer to home, for even more controversial than the methods used, of employing one man to discredit another by calling him a Soviet agent, is the CIA's open attempt to put its espionage activities above the free and independent working of the American court system, which means the law.